

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ONATE, *et al.*,

Plaintiffs,

-against-

AHRC HEALTH CARE, INC.,

Defendant.

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ORDER

20-cv-8292 (LGS) (JW)

JENNIFER E. WILLIS, United States Magistrate Judge:

On March 28, 2023, Judge Schofield directed the Parties to jointly provide an update on the status of opt-in discovery and a proposed schedule for depositions. Dkt. No. 161. On April 11, 2023, the Parties submitted a letter with agreed-upon dates for a deposition schedule, however, the Parties disagreed on the appropriate scope of discovery for the opt-in Plaintiffs. Dkt. No. 165.

To begin, the Court approves the proposed schedule for opt-in discovery. See Dkt. No. 165.

Next, the Parties are invited to brief the Court on the following issues:

- Is sampling of the opt-in Plaintiffs appropriate for discovery in this case?
- If a sample of the opt-in Plaintiffs is appropriate, should that sample be a percentage of the entire opt-in Plaintiff population or a flat number?
- Are there any relevant statistical principles, or relevant case law applying such statistical principles, that provide the Court with a rational basis for determining what the appropriate percentage or appropriate flat number to sample should be?

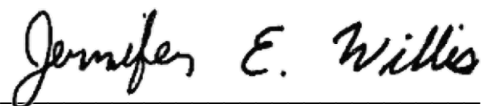
- What is the appropriate percentage or flat number of opt-in Plaintiffs that should compose the sample?
- What should the scope of discovery for any sampled opt-in Plaintiffs be?

Plaintiffs shall submit a letter motion addressing these issues (that is not to exceed ten pages) by **June 26, 2023**. Defendant shall submit a letter motion in Opposition (also not to exceed ten pages) by **July 14, 2023**. No Reply shall be permitted.

The Parties are free to confer and agree on the scope of discovery or the size of the sample. Should they do so, they must provide a status update to the Court. Any status update should include the proposed size and scope of the sample as well as any adjusted discovery deadlines.

SO ORDERED.

DATED: New York, New York
June 6, 2023



JENNIFER E. WILLIS
United States Magistrate Judge